

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

TIA SMITH,

Plaintiff,

v.

**SGS NORTH AMERICA, INC., and
MATTHEW REILLY,**

Defendants.

1:07-cv-14

**TO: Lee J. Rohn, Esq.
Sharmane Davis-Brathwaite, Esq.**

ORDER

THIS MATTER came before the Court upon Plaintiff's Emergency Motion For Stay of Proceedings (Docket No. 139). Defendants filed an opposition to said motion, and Plaintiff filed a reply thereto.

Having reviewed the said motion and upon due consideration thereof, the Court finds that Plaintiff is entitled to a stay pursuant to the Servicemembers Civil Relief Act, specifically, 50 App. U.S.C.A. § 522. At the same time, the Court finds that the stay does not apply to the pending motion to dismiss and motion for summary judgment. *Posey v. Lake Pend Oreille School Dist. No. 84*, No. CV05-272-N-EJL, 2007 WL 420256 (D. Idaho February 2, 2007). Consequently, briefing shall be completed with regard to the motion for

summary judgment, and the Court may render a decision upon either or both motions during the pendency of the stay.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiff's Emergency Motion For Stay of Proceedings (Docket No. 139) is **GRANTED**.
2. All proceedings in the above-captioned matter, except with respect to the motion to dismiss and the motion for summary judgment, are **STAYED** until **August 1, 2010**, at which time the stay shall be lifted automatically.

ENTER:

Dated: March 3, 2010

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE